



**Office of the United States Attorney
District of Arizona**

PRESS RELEASE

FOR IMMEDIATE RELEASE
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**BORDER PATROL AGENT INDICTED FOR
HARBORING ILLEGAL ALIEN**

TUCSON, Ariz. -- Pablo Sergio Berry, 23, of Douglas, Ariz. was arrested without incident yesterday afternoon in Naco, Ariz. as a result of a six-count indictment returned against him by a federal grand jury in Tucson, Ariz. on June 15, 2005. Berry is a U.S. Border Patrol agent assigned to the Naco, Ariz. Station of Border Patrol's Tucson Sector.

The indictment alleges that Berry harbored Claudia Veronica Vasquez-Banda, an illegal alien, from 2001 until February 17, 2005. The indictment also alleges that Berry made false statements on the U.S. National Security Questionnaire that he submitted on June 24, 2002, to gain employment with the U.S. Border Patrol, when he intentionally omitted information regarding Vasquez-Banda. It also alleges that Berry made a false statement to the background investigator when he wrote a letter to the investigator stating that he knew Vasquez-Banda was a U.S. citizen when he, in fact, knew she was an illegal alien. The indictment further alleges that Berry made false documents when he submitted the false National Security Questionnaire and the false letter to United States officials.

On June 21, 2005, U.S. Immigration and Customs Enforcement Office of Professional Responsibility (ICE-OPR) agents served a search warrant at Berry's residence in Douglas and arrested Berry in Naco, Ariz. He will appear before U.S. Magistrate Judge Bernardo P. Velasco in U.S. District Court, Tucson, Ariz., for an initial appearance on Wednesday, June 22, 2005 at 2:00 p.m. Vasquez-Banda is being held as a material witness and will have an initial appearance on Wednesday at 2 p.m. No charges have been filed against her.

The federal indictment charges Berry with one count of harboring an illegal alien, in violation of Title 18, U.S. Code, Sections 1324(a)(1)(A)(iii), 1324(a)(1)(A)(v)(II) and

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1324(a)(1)(B)(ii), three counts of false statements, in violation of Title 18, U.S. Code, Section 1001(a)(2), and two counts of making a false document, in violation of Title 18 U.S. Code, Section 1001(a)(3).

A conviction for each of these offenses carries a maximum penalty of five years in prison, a \$250,000 fine or both. In determining an actual sentence, Judge Raner C. Collins will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. The judge, however, is not bound by those guidelines in determining a sentence.

An indictment is simply the method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

The investigation preceding the indictment was conducted Immigration and Customs Enforcement Office of Professional Responsibility (ICE-OPR), with assistance from U.S. Border Patrol. The prosecution is being handled by Mary Sue Feldmeier, Assistant U.S. Attorney, District of Arizona, Tucson, Ariz.

CASE NUMBER: CR-05-1185-TUC-RCC (HCE)
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